

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

V.

STEEL PAINTERS, LLC, f/k/a STEEL PAINTERS, INC.

Defendant.

§ 87(2)(b)

**CIVIL ACTION NO.
1:18-CV-00303**

JURY TRIAL

**UNOPPOSED MOTION FOR STAY DURING FEDERAL
GOVERNMENT SHUTDOWN**

Plaintiff Equal Employment Opportunity Commission (“EEOC”) moves to stay this litigation and extend all deadlines due to the lapse in appropriations and government shutdown.

1. The EEOC is the federal government agency charged by Congress with interpreting, administering, and enforcing the federal employment discrimination laws, including the Americans with Disabilities Act of 1990 under which the EEOC has filed the instant lawsuit.

2. Federal government appropriations lapsed at midnight on December 21, 2018. As a federal agency, the EEOC is subject to the federal Antideficiency Act which provides in part that an “officer or employee of the United States Government ...may not ...involve [the] government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law.” 31 U.S.C. § 1341(a)(1)(B). Furthermore, a federal agency like the EEOC “may not accept voluntary services ...or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property.” 31

U.S.C. § 1342. Accordingly, EEOC personnel, including the undersigned attorney of record, is prohibited from litigating this matter during the shutdown, except for a four-hour wind-down on December 26, 2018.

3. Therefore, the EEOC seeks an order to stay this litigation for the duration of the lapse in agency appropriations and to extend all deadlines for the same duration as the lapse.

4. Counsel for the EEOC has contacted counsel for Defendant regarding this motion, and defense counsel has no objection.

WHEREFORE, Plaintiff requests that this Court enter an Order staying this litigation and extending all deadlines by the same duration as the shutdown.

Respectfully submitted,

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

/s/ Claudia Molina-Antanaitis
Claudia Molina-Antanaitis
Attorney-in-Charge
Bar No. (none – Maryland)
Equal Employment Opportunity Commission
1919 Smith Street, 6th Floor
Houston, Texas 77002
(713) 651-4952
(713) 651-7995 [facsimile]
claudia.molina@eeoc.gov

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with lead attorney of record for Defendants, Mr. Robert J. Hambright, by email on December 21, 2018. Defendant does not oppose this Motion.

/s/ Claudia Molina-Antanaitis
Claudia Molina-Antanaitis

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Unopposed Motion for Stay Due to Federal Government Shutdown was served this day, December 26, 2018, via the Court's ECF system on Defendant's counsel of record, as follows:

Robert J. Hambright
Orgain Bell & Tucker, LLP
470 Orleans Street
4th Floor
Beaumont, Texas 77704-1751
rjh@obt.com

/s/ Claudia Molina-Antanaitis
Claudia Molina-Antanaitis